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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 09/847,084  | 05/03/2001  | Takashi Oishi        | 206576US3              | 6987             |
| 22850   | 7590        | 02/17/2004           | EXAMINER               |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | HORTON, YVONNE MICHELE |                  |
|   |             | ART UNIT             |                        | PAPER NUMBER     |
|   |             |                      |                        | 3635             |

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/847,084

**Applicant(s)**

OISHI ET AL.

**Examiner**

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 20 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Continued Prosecution Application***

The request filed on 11/20/03 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/847,084 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 1-9 is withdrawn in view of the newly discovered reference(s) of the Japanese Utility Model#63-104982. Rejections based on the newly cited reference(s) follow.

The disclosure is objected to because of the following informalities: On page 4, line 8, --at—should be inserted after “provided”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Prior Art Figure. Prior Art Figure 7 discloses the use of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. The applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself. Draw forming is a method step that appears to be a technique used to stretch a material, in particular metal/plastic specifically at the edges to obtain a desired shape or configuration. In apparatus claims it is the final product that is given patentable consideration. Hence, the step of draw forming has not been given patentable weight.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982. Prior Art Figure 7 discloses the use of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein

foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. The applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself. Draw forming is a method step that appears to be a technique used to stretch a material, in particular metal/plastic specifically at the edges to obtain a desired shape or configuration. In apparatus claims it is the final product that is given patentable consideration. Hence, the step of draw forming has not been given patentable weight. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door of Prior Art Figure 7 with the face plate of Japanese Utility Model #63-104982 in order to present a door that is not only a heat insulating door, but that is also sophisticated in appearance. Regarding claim 2, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a percentage width of draw forming as an obvious matter of design choice. Draw forming entails forming levels of differing heights of a member once the member has been stretched or bent to the desired shape. The required or desired height difference would depend heavily upon the final appearance wanted for the shape that's being defined. Hence, selecting a particular draw forming percentage is governed by the desired depth of the bent or stretched portion. In reference to claim 3, the draw forming (4) of Japanese Utility Model #63-104982 pushes out the panel to form a convexity therein.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 as applied to claim 1 above, and further in view of JP 60-058270. Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 discloses the basic claimed door except for two-tone coloring the panel. JP 60-058270 teaches that it is known in the art to two-tone color finish a metal/plastic. Although JP 60-058270 does not specifically teach two-tone coloring on a boundary, *per se'*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to color finish the panel of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 in order to create a member that is aesthetically pleasing but that is also enhance at the draw forming portions thereby further defining the shape made by draw forming the member.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 as applied to claim 1 above, and further in view of JP 60-058270. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door of Prior Art Figure 7 with the face plate of Japanese Utility Model #63-104982 in order to present a door that is not only a heat insulating door, but that is also sophisticated in appearance. Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 discloses the basic claimed door except for two-tone coloring the

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panel. JP 60-058270 teaches that it is known in the art to two-tone color finish a metal/plastic. Although JP 60-058270 does not specifically teach two-tone coloring on a boundary, *per se'*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to color finish the panel of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 in order to create a member that is aesthetically pleasing but that is also enhance at the draw forming portions thereby further defining the shape made by draw forming the member. Regarding claim 6, Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 does not specifically teach forming a gradation portion. However, a gradation involves advancement by successive stages of tones or shades as from one tone to another. Hence, providing the door of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 is also an obvious matter of design that enhances the appearance of the portion stretched or bent by draw forming. Thus, it would have been obvious to one having ordinary skill in the art to form the door of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 with a gradation portion in order to create a door wherein the draw forming portion is enhanced and the overall appearance of the door is accentuated. In reference to claim 7, position of the colored portion is also an obvious matter of design choice that depends upon which portion of the door is required to be accentuated. Obviously, positioning the colored portion near a center of the door would present a door panel that is readily pleasing in appearance and strengthened at a center thereof.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982. Prior Art Figure 7 discloses the method of producing a door (1) composed of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of producing a door of Prior Art Figure 7 with the step of draw forming a face plate, as taught by Japanese Utility Model #63-104982, in order to present a door that is not only a heat insulating door, but that is also sophisticated in appearance.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 and JP 60-058270. . Prior Art Figure 7 discloses the method of producing a door (1) composed of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed door except for the step of draw forming at an edge of either side of the panel and except for the step of two-tone coloring the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to use the step of draw forming a door panel (4a) as at (4) in figures 1 and 2 and JP 60-058270 teaches that it

is known in the art to color a metal/plastic a two-tone color finish. JP 60-058270 does not specifically teach two-tone coloring on a boundary, per se'. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Prior Art Figure 7 with the draw forming step of Japanese Utility Model #63-104982 and the step of color finishing of JP 60-058270 in order to create a member that is aesthetically pleasing but that is also enhanced at the draw forming portions thereby further defining the shape made by draw forming the member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703)308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

  
YMH  
Primary Examiner  
January 23, 2003